

### **DETAILED ACTION**

This Office action is responsive to communication received 12/18/2009 – Amendment, Election, and Replacement Drawings.

#### ***Drawings***

The replacement drawings were received on 12/18/2009. These drawings are acceptable to the examiner.

#### ***Status of Claims***

Claims 1-13 remain pending.

#### ***Election/Restrictions***

Claims 2-5 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/18/2009. In addition, claim 7, which depends from non-elected claim 5, has been withdrawn from further consideration. Thus, the following action on the merits is directed to claims 1, 6 and 8-13.

#### **FOLLOWING IS AN ACTION ON THE MERITS:**

#### ***Claim Objections***

Claims 1 and 8 are objected to because of the following informalities:

As to claim 1, line 1, "cub" should read --club--;

As to claim 1, line 7, "clubs head" should read --club head's--;

As to claim 8, line 2, "centre" should read --center-- . Also, is this referring to the geometric center? Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Franklin (USPN 7,407,443). Reference is made to Figure 11.**

As to claim 1, Franklin shows a putter club with heel and toe projections diverging relative to one another in a direction away from a striking face. As to the claimed requirements for moment of inertia. Franklin goes into great detail regarding the larger moment of inertia created by weighted members (1122, 1124). See column 15, line 19 through column 17, line 11.

As to claims 9 and 10, as best as understood, the claimed L-shaped cross sections would be shown if one were to look at a cross section of Figure 11. The Franklin putter head is styled substantially similarly to the Figure 6 embodiment shown by applicant.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Channell (USPN D359,330) in view of Franklin (USPN 7,407,443).**

As to claim 1, Channell lacks a discussion of the moment of inertia of the wings as well as the mass per unit length. Franklin goes into great detail regarding the larger moment of inertia created by weighted members (1122, 1124). The higher moment of inertia and higher mass per unit length at the end portions made possible by the weighted members serves to reduce the likelihood of club head twisting during off-center shots, thereby enabling a struck ball to fly straighter, with increased accuracy. See column 2, line 20 through column 3, line 48 as well as column 15, line 19 through column 17, line 11 in Franklin. In view of the patent to Franklin, it would have been obvious to modify the device in the prior art to Channell by providing a substantial moment of inertia around a vertical axis through an increase in the weighting of the end portions of the toe and heel wings, the motivation to help reduce club head twisting when a golf ball is not struck on center. With respect to the remaining limitations in claim 1 and with respect to the Channell device, note that Channell shows toe and heel wings extending outwardly from the toe and heel portions, respectively, and diverging relative to each other in a direction away from a striking face.

As to claim 6, Figures 1 and 2 in Channell clearly show that each wing includes an inwardly-facing, rectilinear side edge portion lying essentially parallel to each other and being, in a horizontal plane, essentially at right angles to the striking face.

**Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin (USPN 7,407,443) in view of Thomas (US PGPUBS 2005/0137027).** The

patent to Franklin differs from the claimed invention in that Franklin does not detail that the mass center of the club head is to be positioned lower than the center of the striking face. Here, "center of the striking face", as claimed, is being interpreted as the geometric center of the striking face. Thomas teaches the advantage of locating the center of mass below a horizontal plane that contains the center of the striking face to create a vertical gear effect. See paragraphs [0028] and [0030] in Thomas. In view of the publication to Thomas, it would have been obvious to modify the device in the cited art reference to Franklin by locating the mass center of the head below the horizontal center of the striking face, the motivation being to create a favorable launch condition through a reduction in backspin imparted to a struck ball.

**Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin (USPN 7,407,443).** Although Franklin does not detail the specific gravity and materials set forth in the instant claims, Franklin describes that a number of possible material combinations for the various parts of the club head body may be used to generate the high moment of inertia taught. See column 15, lines 30-51. Moreover, the skilled artisan would have found it obvious to select suitable materials based upon the properties of materials commonly used in the golf club head art. The selection of known materials to take advantage of the properties of the materials has long been established as being obvious to one of ordinary skill in the art. See *In re Hopkins*, 145 USPQ 140. In addition, it is noted that the applicant has not invented the claimed materials. In view of the teachings in Franklin and the above reasoning, it would have been obvious to modify the device in Franklin by selecting appropriate materials for the

diverse portions of the club head body, namely the rear portions, front portions, lower portions, upper portions, and middle portions of the club head body, the motivation being to provide a weight distribution that helps to achieve a high moment of inertia.

### ***Further References***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Figure 12 in Rife;

Figure 7 in Hasegawa;

Figure 1 in Pamias;

Figure 3 in Bradford ('304);

Figure 2 in Madore;

Figure 2 in Ballow;

Figure 2 in Bradford ('041);

Figure 4 in Bradford ('274);

Figure 2 in Fenton;

Figures 1 and 4 in Strand;

Figure 2 in Chorne.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 571-272-4413. The examiner can normally be reached on Monday through Friday (6:30AM - 3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sebastiano Passaniti/  
Primary Examiner  
Art Unit 3711

S.Passaniti/sp  
March 27, 2010